IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY FOURTH DAY OF JUNE
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE GHULAM MOHAMMED

WRIT PETITION NO : 20022 of 1993

Between:

Y. Chakradhara Rao Contractor
R/o. Mudinepally, Krishna District.

..... PETITIONER

AND

1 Government of Andhra Pradesh rep. by its Superintending Engineer
Irrigation Circle, Vijayawada, Krishna District.
2 Executive Engineer Drainage Division
Gudivada, Krishna district.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate writ, order or direction, directing the respondents herein to make payments to the petitioner in terms of the proceedings of the 1st respondent bearing no.DE/D5/555, dt.11.7.1991 in respect of items 1 and 2 of Ampapuram U.T Drain vide Agreement Nos. 311 and 312 of 1984-85 to the petitioners along with interest calculated @ 245 p.a. from the date of finalisation of the final bill till the date of payment to the petitioner; and to pass such other order or orders as the Hon'ble Court may deem fit and proper.

Counsel for the Petitioner:MR.K.DURGA PRASAD, Advocate

Counsel for the Respondents : Govt. Pleader for Irrigation.

The Court made the following :

ORDER: (GM,J)

The subject matter in the writ petition relates to non-payment of bills to the petitioner. The case of the petitioner is that he was awarded work for the restoration of original standards of Ampapuram UT drain from 3.50 km to 4.80 km and from 6.80 km to 8.00 km by agreement Nos.311 and 312 of 1984-85. It is his further case that as per the agreement he has completed the works and inspite of the same the payments in respect of the completion of works were not paid to him only on the ground that the respondents received certain anonymous complaints as to the completion of the work. It is further stated by the petitioner that the matter was referred to the Commissioner of Enquiry and the Commissioner of Enquiry submitted a report stating that there were no lapses in completion of the work and pursuant to the said report, the Government issued instructions on 25-3-1986 for payment of the bills. It is further the case of the petitioner that the 1st respondent by his letter dated 11-7-1991 informed the Chief Engineer, Drainage Wing, that the 2nd respondent was being instructed to finalise and pay the bills of the petitioner as the report of the Commissioner of Enquiry did not find any faults in the works executed by the

petitioner. The grievance of the petitioner is that inspite of the said directions issued by the 1st respondent, the bills of the petitioner are not finalized and paid. Hence, this writ petition.

In the counter affidavit filed by the 2nd respondent it is admitted that in view of the orders of the 1st respondent dated 11-7-1991 the petitioner is entitled to the payment of bills on Ampapuram under tunnel drain since there are no complaints on this drain. Inasmuch as it is admitted by the respondent no.2 that the petitioner is entitled for the payment of bills, the respondents are directed to pay the petitioner the amounts as per the bills and in terms of the letter dated 11-7-1991, of the 1st respondent, within a period of six weeks from the date of receipt of a copy of this order.

The writ petition is disposed of with the above directions. No costs.

Note: cc in 3 days. 24-6-2004.

(b/o)

Nrg.

ASST. REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1 The Superintending Engineer
Irrigation Circle, Government of Andhra Pradesh, Vijayawada,

Krishna District.

2 Executive Engineer Drainage Division
Gudivada, Krishna district.

3.2CCs to Govt. Pleader for Irrigation, AP High Court, Hyderabad

2.2CD copies